

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Case No. 1:13-cr-00174-TWP-MJD
MICHAEL HIERS,)
Defendant.)

ORDER

The Court has received a letter from *pro se* Defendant Michael Hiers ("Mr. Hiers") regarding the Court's denial of his second motion for early termination of supervised release, which the Court will treat as a motion to reconsider (Dkt. 102). For the reasons set forth below, the Court **grants** Mr. Hiers' motion to reconsider and approves early termination of his supervised release.

I. DISCUSSION

In 2013, Mr. Hiers pled guilty to Felon in Possession of a Firearm and was sentenced to 84 months' imprisonment to be followed by three years of supervised release. He began his term of supervised release in July 2020 and his supervision is scheduled to end July 19, 2023. In September 2021, Mr. Hiers filed a *pro se* motion requesting his supervised release be terminated early, which the Government opposed, and that request was denied. (Dkts. 90, 93, 94.) On April 1, 2022, Mr. Hiers filed a second request asking that his supervised release be terminated early. (Dkt. 96.) The Government again filed a Response in Opposition, (Dkt. 98), and the Court denied Mr. Hiers' Second Request for Early Termination of Supervised Release (Dkt. 100). On October 5, 2022, Mr. Hiers filed a letter which the Court deems to be a Motion to Reconsider (Dkt. 102).

In his letter, Mr. Hiers explains that he remains compliant with all terms of supervised release, disputes the Government's concerns expressed in their opposition, and contends that "[k]eeping me on supervision does nothing but waste even more resources, while holding me back from a more successful life." *Id.* at 1.

The Court has conferred with Mr. Heirs' Probation Officer who confirms that Mr. Hiers has satisfied all conditions of his supervised release and remains compliant. Mr. Hiers' residence and employment remain stable, he has provided all negative drug screens, satisfied his mental health and substance abuse conditions, paid the court-ordered fine, and remains in compliance with all conditions of his supervised release. The Probation Officer opines that Mr. Hiers has demonstrated a willingness and capability to remain lawful beyond the period of supervision and he has no objection to the request for early termination from supervised release.

Pursuant to 18 U.S.C. § 3583, in its discretion, a court may grant early termination of supervised release at any time after the expiration of one year if, after considering certain factors set forth in 18 U.S.C. § 3553, it finds that "such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). The court need not make explicit findings on each of the relevant factors, but the record must reveal the court gave consideration to the § 3553(a) factors. *United States v. Lowe*, 632 F.3d 996, 998 (7th Cir. 2011).

The Court has again considered the factors set forth in § 3553(a) and the Government's opposition. The Court gives great weight to the recommendation of the supervising probation officer who confirms that further services from its office are unwarranted. Mr. Hiers has successfully completed 27 of the 36 months of his supervised release. In its discretion, and in the interest of justice, Mr. Hiers' motion is **granted**.

II. CONCLUSION

For the reasons set forth above, the Court **GRANTS** Mr. Hiers' motion to reconsider its Order Denying Second Request for Early Termination of Supervised Release, (Dkt. 102), and he may be released from supervision.

SO ORDERED.

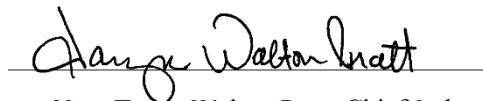
Date: 11/15/2022

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Electronic notice to USPO


Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana